

## **REMARKS**

In the Office Action dated October 3, 2008, the Examiner rejected claims 1-14 under 35 U.S.C. § 112, second paragraph, as being allegedly indefinite and objected to the drawings. Claims 1, 8, 10-12 and 14 were rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 5,860,703 to Courtois et al. Claims 2-6 and 9 were rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Courtois et al. in view of U.S. Patent No. 5,110,185 to Schmutz et al. Claims 7 and 13 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Courtois et al. in view of U.S. Patent No. 4,545,618 to Kitamura.

In this Amendment, Applicants have amended claims 1-3, 5, 7, 8, 10, 13 and 14. Therefore, claims 1-14 remain pending. Claim 1 is the only independent claim.

Applicants have amended the claims generally throughout to improve their form and clarity. Applicants respectfully submit that the claims are now in compliance with all aspects of 35 U.S.C. § 112, and the drawings are in compliance with 37 C.F.R. § 1.83(a). Applicants therefore respectfully request that the § 112 rejections and the objections to the drawings be withdrawn.

Applicants respectfully traverse the rejection of claim 1. As amended, claim 1 recites a fastening device for a headrest of a vehicle seat having a framing, the device including, for example two support rods for attachment to the headrest and two holders attached to the framing of the seat distanced from one another in a direction (Y) transverse to the seat for adjustable guidance of the height of the two support rods. Each of the support rods is slidable within a respective one of the holders. One of the holders has a guide shell which can accommodate one of the support rods via slidable encasement. A carrier is mounted to the one of the holders. The carrier is movable in a direction transverse to the seat (Y). The guide shell is movably mounted to the carrier so that the guide shell pivots relative to the carrier around a first axis which runs in the longitudinal direction of the seat (X). The height of the support rods relative to the seat is adjustable by sliding the support rods within the holders. The structure is configured so that minor misalignment between the support rods can be compensated for by a pivoting of the guide shell relative to the carrier about the first axis (which as stated

above runs in the longitudinal direction of the seat (X)). Courtois et al. does not disclose or suggest this subject matter.

For example, Courtois et al. shows two separate embodiments (Figs. 2-4 and Figs. 5-9) using a number of common concepts to allow for vertical adjustment of a seat headrest. In both embodiments, a stalk (8) is movable vertically within an inner bushing (11 or 33). A rear side of stalk (8) has notches (18 or 30). Two sides of a spring member (14 or 44) may contact the stalk. One side (15 or 45) contacts the side of stalk (8) with the notches, while the other side (16 or 46) contacts the opposite side of the stalk.

In both embodiments, a user may pull the headrest (5) forward, thereby pivoting stalk (8) within bushing (11 or 33). Doing so disengages spring portion (15 or 45) from notches (18 or 30), thereby allowing stalk (8) to be slid upward or downward. Each embodiment also includes a mechanism for moving spring portion (16 or 46) out of the way of stop (21) if headrest (5) is to be entirely removed from seat (4).

This structure differs substantially from that which is recited in claim 1. For example, claim 1 now makes clear that one of the holders of the fastening device fits within a guide shell which itself pivots relative to a carrier. (See rod (7) within guide shell (23) pivoting within carrier (24) in the present application.) Claim 1 further recites that the carrier is mounted to a holder (holder 4 in encasement 22) so that the carrier is movable laterally in a direction transverse to the seat (Y). (Compare Figs. 3-4 and Figs. 5-6 with Fig. 1.) Moreover, the recited guide shell pivots laterally relative to the carrier around an axis running in the direction of the seat (X). (See Figs. 3-6).

Courtois et al. has no structure analogous to the recited carrier that can slide laterally. Figs. 3-4 show close tolerances and no possibility of lateral movement of bushing (11) or slide (22). The embodiment of Figs. 5-9 is similar in this regard. Further, there is no structure that comprises a guide shell that can pivot relative to such a carrier that is slidable laterally. However, in claim 1 the carrier is slidable laterally whereas the guide shell is pivotable laterally along with the rod relative to the carrier. Courtois et al. instead discloses nothing encasing or allowing the stalk to slide or pivot laterally, and shows only a stalk that is slidable vertically and pivotable forward and back. In short, no lateral adjustment of the type claimed is permitted in Courtois et al.

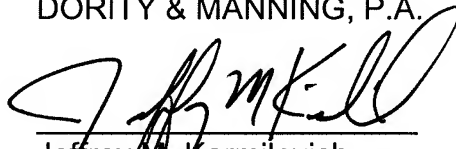
Accordingly, Applicants respectfully submit that the subject matter of claim 1 is not disclosed or suggested by Courtois et al. Applicants therefore respectfully submit that claims 1-14 are patentable over the cited references and request withdrawal of all rejections in view of cited references in this application.

In view of the above, Applicants request the reconsideration and reexamination of the present application and timely allowance of all pending claims 1-14.

The Examiner is encouraged to contact the undersigned at his convenience should he have any questions regarding this application and to resolve any issues. Please charge any fees required by this Amendment, and credit any overpayment, to Deposit Account No. 04-1403.

Sincerely,

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February 24, 2009  
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